

1           Q     Are you -- and now I'm confused, and forgive me if  
2     I asked this before.  It's only because I don't recall  
3     whether I did or not at this time.

4                     Are you suggesting that you have no recollection  
5     of that incident or that it didn't -- that it did not  
6     happen?

7           A     I have no recollection of that incident.

8           Q     So it could have happened?

9           A     Yes.

10          Q     With respect to the flashing strobe light, are you  
11     aware of a strobe light?

12          A     Yes, I am.

13          Q     And could you tell me what the strobe light does,  
14     the strobe light that would be referred to in paragraph nine  
15     of Mr. Luna's statement, as well as in paragraph three of  
16     your own?

17          A     Yes, the lights refer to -- they will flash so  
18     that we as the announcer would know that Monticello, 99.7,  
19     is off the air; that we can contact Mr. Turro, the warning  
20     light.

21                     JUDGE STEINBERG:  Have you ever seen it flash?

22                     THE WITNESS:  Yes, I have.

23                     JUDGE STEINBERG:  What color is it?

24                     THE WITNESS:  It's an orange amber caution.

25                     BY MR. ARONOWITZ:

1           Q     And moving for a moment to paragraph four of your  
2     statement, "I do remember that there was an outage in  
3     Monticello." And then would you read that statement?

4           A     Item number four?

5           Q     Please.

6                     You state, "I remember there was an outage in  
7     Monticello, that the Fort Lee translator discontinued  
8     broadcasting Jukebox Radio."

9                     Just for that sentence is there a time or a date  
10    associated with that incident?

11          A     There is a time frame, if that's acceptable to  
12    you. I know that it was like summer. I believe it was  
13    around '95.

14          Q     And is this recollection, is this recollection  
15    from your own personal knowledge or did somebody or  
16    something remind you of that?

17          A     It's my own personal knowledge, and what triggered  
18    it was the statement of Mr. Luna.

19          Q     Okay.

20          A     Because I'm not -- I am aware of being off the air  
21    at that incident that I cite

22          Q     And could you point where in Mr. Luna's statement  
23    you found this?

24          A     I think I'm misleading you. I thought I was asked  
25    for item four, about being off the air, was I -- what

1 triggered my memory for that. Correct?

2 Q Correct.

3 A What triggered my memory of being off the air was  
4 reading the statement about being off the air. So I was  
5 trying to clarify that, yes, I do know that we are off the  
6 air with the strobing lights, and the incident occurring in  
7 that item number four.

8 Q I'm lost. Could you refer me to what statement  
9 that you're referring to, the statement that triggered your  
10 recollection?

11 You said there was a statement off the air that  
12 you were -- that Monticello was off the air --

13 A Right.

14 Q -- that triggered your memory. What statement is  
15 that?

16 A When I read this statement that Mr. Luna wrote, I  
17 don't recall the incident that he refers to. I do recall an  
18 incident being off the air. So that statement reminded me  
19 of that item that I referred to in number four.

20 Q Okay. And your best guess is summer of '95?

21 A Yes.

22 JUDGE STEINBERG: Well, it was a recollection of  
23 his.

24 MR. ARONOWITZ: Recollection.

25 THE WITNESS: Yes.

1 BY MR. ARONOWITZ:

2 Q Any recollection whether it was the beginning of  
3 the summer, the end of the summer, for example?

4 A I'm sorry. No.

5 Q So I really can't prod you along that way?

6 A No, I'm afraid that I don't care to -- no, I don't  
7 remember the specific dates --

8 Q Okay.

9 A -- that it was off the air during that period.

10 Q Okay. And the next sentence, "I can clearly  
11 recall a specific incident when Monticello was off the air  
12 and 103 FM in Fort Lee was off the air due to a cable  
13 break."

14 That's not the incident that you're referring to  
15 in the first sentence, is it?

16 A Yes, it is.

17 Q It is?

18 A Number four is referring to an outage. Sentence  
19 one and sentence two gives the specific incident because of  
20 the cable break.

21 Q So these are the same event, if you will?

22 A Thank you. Yes.

23 Q Okay.

24 A Great.

25 Q Perfect.

1           A     Yeah.

2           Q     You have testified that you have read Mr. Luna's  
3     statement.

4                     Do you consider Vincent, Mr. Luna, a trustworthy  
5     man?

6           A     I have -- in the dealings that I personally have  
7     had when I worked with him, they were very -- I had no  
8     problem.

9           Q     So you have no reason to doubt what he said --

10          A     I --

11          Q     -- in his statement?

12          A     You asked me that.

13          Q     No, this is the next question. I am asking you  
14     now.

15          A     Oh. I would have no knowledge.

16          Q     You would have no knowledge --

17          A     I would have no way to know whether.

18          Q     Is Mr. Luna recalling these events, particularly  
19     the song dedications, is he just making that up?

20          A     Oh, I have no recollection of dedicating three  
21     songs to any individual. It's just not station policy. I  
22     could -- and I think if I had, I would have remembered that  
23     incident.

24                     JUDGE STEINBERG: What station policy with respect  
25     to song dedications?

1           THE WITNESS: Your Honor, we have a play list, a  
2 music log that we follow. And that's the music we would be  
3 playing. So that's -- and we simply are going through the  
4 artists and information regarding the performer, or the  
5 performance.

6           JUDGE STEINBERG: So if I called up the station  
7 and said, "Could you dedicate Frank Sinatra's 'Come Fly With  
8 Me' to my wife, who is terrified of flying," that's not your  
9 policy to dedicate a song?

10          THE WITNESS: Traditionally, we -- well, I know I  
11 would not. I thought it was the position not to. I would  
12 be inclined probably not to.

13          JUDGE STEINBERG: Well let's talk about you  
14 personally.

15          THE WITNESS: To my knowledge, the station is  
16 broadcasting generally. They would not want me to do that.

17          JUDGE STEINBERG: But when you're on the air, did  
18 you ever dedicate a song to an individual?

19          THE WITNESS: I'm sure that I have referenced a  
20 song or a event. I have listeners that will call me, for  
21 instance, and say -- a person calls every Saturday morning,  
22 and say, "Good morning." And she will say, "Have you played  
23 Dinah Washington?"

24                 And I'll look down the chart and say that's  
25 scheduled for 8:00. "Well, you'll it around 8:00."

1 JUDGE STEINBERG: But you wouldn't say before you  
2 play Dinah Washington, "This is dedicated to Jane Doe who  
3 calls up every Saturday and asks me about Dinah Washington"?

4 THE WITNESS: That -- I might or might not. When  
5 you have the microphone going, you're having a continuity  
6 sentence, so I may say, "Here is, you know, a fan of Jukebox  
7 Radio loves Dinah Washington." I don't go down to people.

8 JUDGE STEINBERG: You don't get down to people's  
9 names?

10 THE WITNESS: No.

11 JUDGE STEINBERG: So that if Mr. Luna said that  
12 three announcements dedicating a song to him were made, that  
13 would be, in your opinion, not your normal course of doing  
14 things?

15 THE WITNESS: Yes.

16 JUDGE STEINBERG: Is it remotely possible you did  
17 it?

18 THE WITNESS: It's remotely possible. It's just  
19 the fact of dedicating a block of songs, I think I would shy  
20 away from that, so I don't recall doing that. I could  
21 recall the first one you talked about, you know, so and so,  
22 or if I had a opening time frame where Dinah Washington, I  
23 may have said, "For those who like Dinah Washington, I know  
24 Mary does," but I wouldn't get into a block of three because  
25 I just don't.

1 JUDGE STEINBERG: Do you think if you did three  
2 announcements dedicating a song to the same individual  
3 within a block of time, you would remember it?

4 THE WITNESS: Yeah. something would trigger. I  
5 don't recall.

6 JUDGE STEINBERG: Recognizing it's a couple years  
7 after the event.

8 THE WITNESS: I think I would recall because I  
9 don't do that as a habit; that's all.

10 BY MR. ARONOWITZ:

11 Q Mr. Garland, just a couple of quick questions.  
12 What time generally is your air shift?

13 A I currently do live time Saturday mornings from  
14 six a.m. to 10. I also do broadcasts, recorded programming  
15 on the weekend. It's now six on Saturdays.

16 Q Between September of '94 and say September of '95,  
17 were those the times of your air shift also?

18 A When I first joined Jukebox Radio, I was doing an  
19 evening shift on Sundays, starting around seven till one.  
20 That was in the January time period. And started doing the  
21 Saturday morning shift, I think it was the August, the  
22 latter part of the summer, end of August, first part of  
23 September of '95.

24 Q And I just want to be -- I want to understand that  
25 we are all using the same terms



1           When you said before that you would not dedicate a  
2   block of songs, do I understand that to mean that, in terms  
3   of requests, and I'm going to break it very simply because I  
4   just don't even know how to do it, that you would dedicate a  
5   song -- that you would dedicate a specific time period or  
6   block? To me, block means, you know, the last 15 minutes  
7   were dedicated to so and so, would you do individual songs?

8           Does Jukebox Radio do requests?

9           JUDGE STEINBERG: Let's get the answer to the  
10   first question first.

11          MR. ARONOWITZ: Okay, I was going to try --

12          JUDGE STEINBERG: What do you mean by "block of  
13   time"? Wasn't block of time your term before I picked it  
14   up?

15          MR. ARONOWITZ: It was block of songs.

16          JUDGE STEINBERG: A block of songs?

17          THE WITNESS: Yes, I believe that it was, Your  
18   Honor.

19          JUDGE STEINBERG: Yes, your term. What did you  
20   mean by that?

21          THE WITNESS: We have what is referred to in radio  
22   as a clock, and you have grouping of music together so that  
23   you can have four, two, four, three selections together so  
24   that the audience is in fact listening to good music, and  
25   that's when that phrase would apply.

1 JUDGE STEINBERG: Approximately how long does that  
2 last typically? Between how many minutes and how many  
3 minutes?

4 THE WITNESS: It will range from a period of --  
5 from top of the hour at 12, say you have a 12-minute  
6 segment, which would include probably three selections,  
7 depending on the length of recordings. There are two other  
8 units that would have two selections. And there is another  
9 unit, depending upon the time of day, that would go from  
10 four to six selections.

11 JUDGE STEINBERG: Okay that's -- okay. So I can  
12 figure there to four minutes per selection?

13 THE WITNESS: That's correct.

14 BY MR. ARONOWITZ:

15 Q So that if you did dedications to individual  
16 songs, that would in fact be highly unusual?

17 A It would be highly unusual for me to dedicate  
18 songs, a block of songs, I would not be doing. You know, I  
19 would not say, "The last music set of music was for" unless  
20 directed by the station.

21 There is a distinction for me between a selection  
22 and a block -- and a group of songs.

23 Q Okay. So if you -- all right, and I think I  
24 understand that difference.

25 A Okay.

1 Q And let's find out if I do.

2 So that if you were to make dedications based on  
3 selections, which I term to be individual songs, that would  
4 in fact be highly unusual?

5 A It would be highly unusual, but not to say that I  
6 have not done it.

7 Q Perfect.

8 MR. ARONOWITZ: Your Honor, I don't have any more  
9 questions at this time, but I think I would like to make a  
10 motion. And I think we might want to excuse the witness.

11 JUDGE STEINBERG: Okay Do you want to finish?  
12 No, why don't you go out in the hall and hum "Come Fly With  
13 me" to yourself?

14 (Laughter.)

15 JUDGE STEINBERG: And then you can't hear what's  
16 going on in the room, and then we will call you back in a  
17 short period of time. Yes, just stand out in the hall for  
18 a little bit.

19 (Witness temporarily excused from the witness  
20 stand.)

21 JUDGE STEINBERG: Just while we're off the record,  
22 he's going to have to have that back.

23 THE COURT REPORTER: We are still on the record.

24 JUDGE STEINBERG: We are still on the record?

25 Okay.

1           Let the record reflect that the witness is out of  
2   the room. And this gentleman coming in is not going to be a  
3   witness, I hope.

4           What's your motion?

5           MR. ARONOWITZ: Your Honor, we've just heard  
6   testimony that Mr. Garland not only read the statement of  
7   Mr. Luna that was offered as direct testimony in this  
8   matter, but that his entire -- but that his statement was  
9   based on what he read in that direct testimony. And if I  
10   understand sequestration properly, this ain't it.

11           I would move to strike this exhibit as hopelessly  
12   tainted.

13           JUDGE STEINBERG: Let me ask you a question. We  
14   had a two-stage exhibit exchange where the Bureau and  
15   Universal exchanged first, and then two weeks later Mr.  
16   Turro and MMBI exchanged. The purpose for that was to allow  
17   them to introduce rebuttal evidence.

18           How are they going to introduce rebuttal evidence  
19   through individual witnesses without having those witnesses  
20   examining the facts?

21           Now, perhaps it might have been done differently,  
22   and maybe Mr. Naftalin should have said to Mr. Garland, "Let  
23   me relate to you an incident and I want you to tell me  
24   whether or not it happened." And then Mr. Garland could  
25   have said, "No, it never happened." That would be one way

1 of doing it.

2 And the other way of doing it would be to show him  
3 the statement, and he chose the latter, and in that case he  
4 was seeing exactly what the witness said about him.

5 You have established through the witness that he  
6 saw the statement. He disputes the statement. He says it  
7 never happened "to the best of my recollection." And I  
8 don't see anything improper about that. And I don't know  
9 that we had any sequestration in effect until the admissions  
10 session.

11 MR. ARONOWITZ: Your Honor, if I might.

12 JUDGE STEINBERG: You might.

13 MR. ARONOWITZ: I agree with you on the  
14 distinction between preparing a witness for probability of  
15 things happening or suggestions that things would happen,  
16 and showing him the direct testimony. I think that does  
17 violate the sequestration order. And if it doesn't violate  
18 the sequestration order, it clearly violates the agreement  
19 reached amongst the parties.

20 At various points we were in here arguing whether  
21 and how we could show statements to and factual witnesses;  
22 that representations were made to you, Your Honor, that the  
23 engineers and the technical people would look at the  
24 technical exhibits and the factual witnesses would be  
25 confined to sequestration.

1           I find this -- I find this clearly contrary to the  
2       agreement reached by the parties, the representations made  
3       to you, and as well as the spirit of a sequestration order.  
4       It is one thing to suggest that certain testimony that might  
5       come up. It is another to give a witness direct testimony  
6       and have his response prepared directly thereto. I think  
7       that just falls wholly outside the procedures that we  
8       established for this case either as represented to you or  
9       ordered by you.

10           MR. NAFTALIN: Your Honor, may I be heard on this  
11       point?

12           JUDGE STEINBERG: yes.

13           MR. NAFTALIN: As the statement reflects, this  
14       witness signed the statement on the 1st day of November,  
15       1997, which means that, at the very latest, he saw Mr.  
16       Luna's statement on the 1st day of November, 1997.

17           Let's be clear about the sequence of events. The  
18       Mass Media Bureau exchanged its exhibits on October 27,  
19       1997. At no time did it make any procedural request with  
20       respect to those exhibits. No discussion of sequestration  
21       of any kind took place whatsoever until we filed a motion,  
22       we being Mr. Turro and MMBI, jointly filed a motion  
23       requesting protection of its own exhibits from viewing by  
24       Mass Media Bureau and Universal witnesses.

25           We were under absolutely -- there hadn't even been

1 discussion of such matters among counsel prior to that time,  
2 and there was -- the question had never been raised at the  
3 time that Mr. Garland was provided a copy of the statement.

4 Now, there was never a representation made, nor  
5 intended, that that had not taken place. At such time as  
6 Mass Media Bureau raised the issue, it was never raised on  
7 the record until we came to the admissions session quite a  
8 long time later. We acted accordingly. In fact, as soon as  
9 we finished the session, I sent instructions, I called Mr.  
10 Turro on the phone and gave him instructions.

11 We certainly did not -- had no opportunity to  
12 violate either the letter or spirit of anything because we  
13 had never been asked, even suggested to us that we be  
14 prohibited from doing anything. And I thought it was  
15 perfectly consistent with the way the structure of this case  
16 is set up if we were -- clearly the purpose of Mr.  
17 Garland's testimony is to dispute Mr. Luna's testimony on a  
18 particular point or two, and the best and most efficient way  
19 to do that is to let him see what the testimony was given  
20 that the order was Mass Media Bureau exhibits come in, and  
21 then Turro exhibits come in afterwards, at least in part, to  
22 dispute them.

23 JUDGE STEINBERG: Do you want to be heard, Mr.  
24 Helmick?

25 MR. HELMICK: Your Honor, I think that I would

1 agree with Mr. Naftalin that the discussion on sequestration  
2 was had after the exchange of the Mass Media Bureau  
3 exhibits, but clearly in the discussions that we had among  
4 counsel, at least, I speak only for myself, with Mr.  
5 Naftalin, we gave representations based that we would not  
6 show exhibits to our witnesses other than the technical  
7 exhibits based upon the clear assumption, I think, if not  
8 implicit representation, that they would do the same and not  
9 show our exhibits to their witnesses.

10 Now, you know, I would agree that factually this  
11 came up after our exhibits were exchanged, and there was no  
12 binding commitment upon Mr. Turro's counsel not to exchange  
13 those exhibits. But I think it was implicitly represented  
14 to us while your motion was pending that -- you know, we  
15 held back showing any exhibits to anyone. We gave you that  
16 representation until the Judge ruled. The Judge ruled. We  
17 had not shown our exhibits, and I think implicitly the same  
18 ground rules would have applied to you. That's the way I  
19 understood it to be. Now, I feel like we've been sandbagged  
20 myself.

21 MR. ARONOWITZ: Moreover --

22 MR. NAFTALIN: How are we supposed to provide  
23 rebuttal testimony without them knowing the testimony.

24 JUDGE STEINBERG: Let me hear -- Ms. Bavender, do  
25 you want to add anything?



1 MS. BAVENDER: No, Your Honor.

2 JUDGE STEINBERG: Okay. I'm ready to rule, and I'm  
3 going to deny the motion to strike.

4 Okay, let's get the witness back.

5 (Accordingly, the witness returned to  
6 the witness stand.)

7 JUDGE STEINBERG: Okay how far did you get? Are  
8 we still on the record?

9 THE COURT REPORTER: Yes.

10 JUDGE STEINBERG: Let's go off the record.

11 (Discussion off the record.)

12 JUDGE STEINBERG: Okay, back on the record. Let  
13 the record reflect that Mr. Garland has returned to the room  
14 and is back in the witness chair.

15 Mr. Aronowitz, do you want to ask anymore  
16 questions? I'll give you the opportunity.

17 (Pause.)

18 MR. ARONOWITZ: I have no more questions, Your  
19 Honor.

20 JUDGE STEINBERG: Mr. Helmick?

21 MR. HELMICK: Yes, Your Honor.

22 CROSS-EXAMINATION

23 BY MR. HELMICK:

24 Q Mr. Garland, you have a copy of your statement in  
25 front of you, Turro Exhibit 6?

1 A Yes.

2 Q Who prepared this statement for you?

3 A I prepared the statement in concert with the  
4 people at the station.

5 Q You prepared it?

6 A I read this, and I had indicated what had happened  
7 in response with the incident.

8 JUDGE STEINBERG: When you said you read "this,"  
9 you're referring to Mr. Luna's statement?

10 THE WITNESS: I read Mr. Luna's statement.

11 BY MR. HELMICK:

12 Q No, I'm referring to your statement, sir.

13 Who prepared your statement?

14 A I did.

15 Q Do you see in paragraph three where it says, "I  
16 have read the statement of Mr. Vincent Luna dated" blank,  
17 and then you have written in the date or someone has written  
18 in the date.

19 Is that your writing?

20 A That would not be my printing. It's different  
21 from the -- I'm not sure -- no, that is not my writing.

22 Q It's not your writing?

23 A That is correct.

24 Q Did you type this statement?

25 A Our secretary typed it for me.

1 Q Did you dictate this statement?

2 A I did.

3 Q You testified that -- let's see -- September --  
4 strike that.

5 In September 1994, you testified that you had an  
6 evening air shift?

7 A No. I started the evening air shift in January,  
8 the first week of January 1995.

9 Q Okay, and you continued an evening air show from  
10 January 1995 to what date?

11 A To around the end of the summer of that year.

12 Q How many air shifts -- when you started your  
13 position in September 1994, how many air shifts did you do a  
14 week?

15 A I would do one, scheduled to do one; Sunday  
16 nights.

17 Q Saturday nights?

18 A Sunday nights.

19 Q Sunday nights?

20 A Yes.

21 Q And was that true when you switched to your  
22 evening air shift in January 1995, you would do it one night  
23 a week?

24 A When I switched the air shifts, it's Saturday  
25 morning daytime.

1 Q No, no.

2 In January of 1995 --

3 A Yes.

4 Q -- to the summer of 1995, you said you did an  
5 evening air shift?

6 A I had a scheduled air shift of Sunday nights.

7 Q And that was once a week?

8 A That was the scheduled time, correct.

9 (Pause.)

10 MR. HELMICK: No further questions, Your Honor.

11 JUDGE STEINBERG: Ms. Bavender?

12 MS. BAVENDER: No questions, Your Honor.

13 JUDGE STEINBERG: I have a question.

14 Would you look at paragraph five of your  
15 statement? How do you know -- how would you know that  
16 Monticello was off the air?

17 THE WITNESS: I would know that Monticello was off  
18 the air because of the lights that come on to warn us that  
19 that signal is off.

20 JUDGE STEINBERG: What light?

21 THE WITNESS: The strobe lights that are in the  
22 broadcast studio. So they would come flashing on, and that  
23 would tell me that Monticello is off the air.

24 JUDGE STEINBERG: Okay. So Monticello was off the  
25 air, flashing lights would come on. What did you do? Did

1 you stop talking or stop playing the program?

2 THE WITNESS: Yeah, usually, and -- yes.

3 JUDGE STEINBERG: Now, if Monticello was off the  
4 air, would that mean that your mike is dead?

5 THE WITNESS: No.

6 JUDGE STEINBERG: When Monticello went off the  
7 air, did you turn the mike off generally?

8 THE WITNESS: Yes.

9 JUDGE STEINBERG: Okay. Did anything come out  
10 over the speakers in the on-air room --

11 THE WITNESS: No.

12 JUDGE STEINBERG: -- when Monticello was off the  
13 air?

14 THE WITNESS: When Monticello would be off, no,  
15 then it would not come into the room.

16 JUDGE STEINBERG: Was there ever an occasion when  
17 the strobe light came on and your mike was off and there was  
18 programming coming out over this speakers in the on-air  
19 room?

20 THE WITNESS: There was a time when we were off  
21 the air, I was doing a summer evening shift that we went off  
22 the air and the lights came on, and I stopped broadcasting.  
23 That was the evening shift. And later on when Mr. Turro  
24 arrived to take care of the problem, we recognized that --  
25 we rebroadcast that part of the programming that we do from

1 seven p.m. until 12 midnight, we rebroadcast that at one.  
2 And so for the last 15 minutes I was doing nothing, playing  
3 any music; just put something on that tape, so we just put  
4 some music to cover.

5 So in that case your question, the only time I had  
6 to put music on which was the studio only was to feed that  
7 tape recording so that, you know, the rebroadcast later on  
8 would not have that long a gap.

9 JUDGE STEINBERG: Let me see if I understand this.  
10 You would be on the air what, from seven till midnight?

11 THE WITNESS: In the evening shift, we would be on  
12 the air seven to midnight, and it was recorded.

13 JUDGE STEINBERG: Okay. And as you were  
14 broadcasting, it was recorded?

15 THE WITNESS: Correct.

16 JUDGE STEINBERG: Then from, what did you say, one  
17 o'clock?

18 THE WITNESS: One a.m. till six a.m.

19 JUDGE STEINBERG: Six a.m.

20 THE WITNESS: It's rebroadcast.

21 JUDGE STEINBERG: It's rebroadcast from the tape  
22 so that nobody has to be there?

23 THE WITNESS: It's rebroadcast from the tape,  
24 correct.

25 JUDGE STEINBERG: And so on one occasion when

1 Monticello went off the air, you stopped your program?

2 THE WITNESS: I stopped.

3 JUDGE STEINBERG: And for about 15 minutes?

4 THE WITNESS: Probably.

5 JUDGE STEINBERG: So this had to be what, at  
6 11:45?

7 THE WITNESS: Oh, I -- I want to use the word it  
8 was mid shift, early.

9 JUDGE STEINBERG: Oh, okay, because you could have  
10 gone back on the air and then done the rest of your shift.

11 THE WITNESS: Oh.

12 JUDGE STEINBERG: But you stopped your  
13 broadcasting, so what you had to do was just recreate, you  
14 had to fill in 15 minutes more of tape?

15 THE WITNESS: What I realized was that as I was  
16 doing nothing because we were off the air, I wasn't feeding  
17 what would be five hours later, I was giving it dead air on  
18 that tape that was being done.

19 JUDGE STEINBERG: Okay. So the tape was still  
20 running while you were off the air?

21 THE WITNESS: Recording nothing.

22 JUDGE STEINBERG: Recording nothing. Okay.  
23 Redirect?

24 MR. NAFTALIN: No questions, Your Honor.

25 JUDGE STEINBERG: Any questions based on my

1 questioning? Mr. Aronowitz?

2 MR. ARONOWITZ: No, Your Honor.

3 JUDGE STEINBERG: Mr. Helmick?

4 MR. HELMICK: No, Your Honor.

5 JUDGE STEINBERG: Ms. Bavender?

6 MS. BAVENDER: No, Your Honor.

7 JUDGE STEINBERG: Okay, you are excused, Mr.

8 Garland. Thank you so much for testifying.

9 Let me instruction you please don't talk to  
10 anybody about your testimony here today or any questions I  
11 asked or any questions anybody else asked. You can talk to  
12 Mr. Naftalin, if you want to, but he's the only person. And  
13 eventually somebody is going to call you and tell you it's  
14 okay to talk

15 THE WITNESS: Okay

16 JUDGE STEINBERG: But just mum's the word until  
17 then.

18 THE WITNESS: All right.

19 JUDGE STEINBERG: And thank you very much.

20 THE WITNESS: Thank you very much.

21 JUDGE STEINBERG: We appreciate it.

22 THE WITNESS: Yeah

23 (Witness excused.)

24 JUDGE STEINBERG: Let's go off the record.

25 (Discussion off the record.)



1 JUDGE STEINBERG: We are back on the record. And  
2 we will be in recess until tomorrow morning at 9 a.m.

3 Thank you.

4 (Whereupon, at 3:40 p.m., the hearing was  
5 recessed, to resume at 9:00 a.m. on Tuesday, December 9,  
6 1997.)

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